THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.4055 of 2000

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Dated: December 26, 2005

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Between:

D. Subba Rao, E.361032, Condcutor,

S/o. Satyanarayana, aged 25 years,

R/o. Tiruvuru, Krishna District, and

another.

… Petitioners

And

The APSRTC, rep. by its

Managing Director, Musheerabad,

Hyderabad, and two others.

… Respondents

Order:

Petitioners, by this writ petition, seek Mandamus declaring the action of the respondents in not fixing their pay, duly adding additional increments for graduation qualification, as illegal and unjust, and for a consequential direction to Respondent No.3 to fix their pay, duly adding additional increments for graduation qualification, forthwith.

2. Heard the learned counsel for the petitioners and the learned standing counsel appearing on behalf of the respondent-Corporation.

3. Petitioner No.1, a Conductor in the respondent-Corporation states that his services were regularized with effect from 01-08-1991, and after regularization, he claims to have completed B.A. course in April, 1993. Likewise, Petitioner No.2, who has been appointed in 1987, and whose services were regularized in 1989, states that he acquired graduation qualification in October, 1990. Both the petitioners claim that they are entitled for additional increments for having acquired additional qualification. They allege that though they made representations to Respondent No.3, seeking additional increments, their cases have not been considered till date. They further state that when they approached Respondent No.3, they were orally informed that as they did not obtain prior permission to appear privately for higher studies, they are not entitled for additional increments. It is the case of the petitioners that there is no mandatory provision to obtain permission to prosecute higher studies.

4. Respondents filed counter affidavit stating that once a person is appointed in the corporation, and if he wants to prosecute higher studies, he has to seek permission from the competent authority as per Circular No.PD-18/84-85 dated 01-06-1984, but the petitioners failed to obtain permission as per the said circular. Learned Standing Counsel placed before this Court a copy of the aforesaid circular. It is further stated that the petitioners submitted a representation to consider their claims for three additional increments (Graduate increments) from the date of their acquiring graduation, and the allegation of the petitioners that the respondents are not considering their representations, is false. It is further stated that the corporation has also issued a circular

No.PD-90/91 dated 14-10-1991. As per the said circular, the conductors who were appointed on or before 24-04-1982, are only entitled for grant of three additional increments on acquiring graduation, whereas the petitioners were appointed in the

year 1987, and their services were regularized on 01-08-1991 and 15-02-1989 respectively; therefore, they are not entitled for graduation increments.

5. Admittedly, petitioners were appointed in the respondent-Corporation after 1982 and their services were regularized with effect from 01-08-1991 and 15-02-1989 respectively. As per the circular dated 14-10-1991, the conductors who were appointed on or before 24-04-1982 are only entitled for grant of three additional increments on acquiring graduation. Since the petitioners were appointed after 1982, they are not eligible for additional increments, and this apart, they have not taken prior permission of the authorities to pursue graduation. Even for a moment, if it is assumed that they had taken permission from the authorities to pursue graduation, yet they having been appointed after 1982, are not entitled to claim additional increments. Hence, no relief as sought by the petitioner can be granted in this writ petition.

6. The writ petition is devoid of merit and is accordingly dismissed. No costs.

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N.V. RAMANA, J.

December 26, 2005

MRR